

United States Court of Appeals  
For the Eleventh Circuit

02 JAN 18 AM 10: 10 *JM*

No. 01-11330

FILED

U.S. COURT OF APPEALS  
ELEVENTH CIRCUIT

District Court Docket No.  
96-02342-CV-PWG-NE

Dec 18, 2001

THOMAS K. KAHN  
CLERK

SHERRY THURMOND, LEVON HALL,  
RONNIE HOPPER, DAVID ROLLINS,  
LARRY THOMPSON,

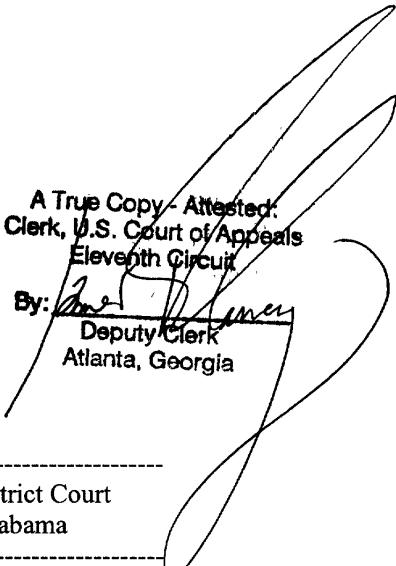
Plaintiffs-Appellants,

versus

CITY OF HUNTSVILLE, a  
political subdivision of the  
State of Alabama, RICK OTTMAN,  
Individually and in his Official  
Capacity as the Police Chief,  
DANIEL R. DELLA-CALCE, JR.,  
Individually and in his Official  
Capacity as a Lieutenant with the  
City of Huntsville Police  
Department,

Defendants-Appellees.

A True Copy - Attested:  
Clerk, U.S. Court of Appeals  
Eleventh Circuit  
By: *Elaine McCombs*  
Deputy Clerk  
Atlanta, Georgia



Appeal from the United States District Court  
for the Northern District of Alabama

JUDGMENT

It is hereby ordered, adjudged, and decreed that the attached 11th Cir. R. 36-1 affirmation without opinion included herein by reference, is entered as the judgment of this Court.

Entered: December 18, 2001

For the Court: Thomas K. Kahn, Clerk  
By: McCombs, Elaine



[DO NOT PUBLISH]

IN THE UNITED STATES COURT OF APPEALS

FOR THE ELEVENTH CIRCUIT

No. 01-11330

FILED  
U.S. COURT OF APPEALS  
ELEVENTH CIRCUIT

DEC 18 2001

THOMAS K. KAHN  
CLERK

D. C. Docket No. 96-02342-CV-PWG-NE

SHERRY THURMOND, LEVON HALL,  
RONNIE HOPPER, et al.,

Plaintiffs-Appellants,

versus

CITY OF HUNTSVILLE, a political  
subdivision of the State of Alabama,  
RICK OTTMAN, Individually and in his  
Official Capacity as the Police Chief, et al.,

Defendants-Appellees.

Appeal from the United States District Court  
for the Northern District of Alabama

(December 18, 2001)

Before BLACK and HULL, Circuit Judges, and RYSKAMP\*, District Judge.

PER CURIAM:

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\*Honorable Kenneth L. Ryskamp, U.S. District Judge for the Southern District of Florida, sitting by designation.

AFFIRMED. See 11th Cir. R. 36-1.<sup>1</sup>

A True Copy - Attested:  
Clerk, U.S. Court of Appeals  
Eleventh Circuit  
By:   
Deputy Clerk  
Atlanta, Georgia

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<sup>1</sup> 11th Cir. R. 36-1 provides:

When the court determines that any of the following circumstances exist:

- (a) judgment of the district court is based on findings of fact that are not clearly erroneous;
- (b) the evidence in support of a jury verdict is sufficient;
- (c) the order of an administrative agency is supported by substantial evidence on the record as a whole;
- (d) summary judgment, directed verdict, or judgment on the pleadings is supported by the record;
- (e) judgment has been entered without a reversible error of law; and an opinion would have no precedential value, the judgment or order may be affirmed or enforced without opinion.

**United States Court of Appeals**  
Eleventh Circuit  
56 Forsyth Street, N.W.  
Atlanta, Georgia 30303

**Thomas K. Kahn**  
Clerk

02 JUN 2002  
In Reply Refer To  
Give Number  
Of Case And Names of Parties  
F. D. R. E. A. D. A. M. I. C. K.

January 16, 2002

Perry D. Mathis  
Clerk, U.S. District Court  
1729 Fifth Avenue North, #140  
Birmingham AL 35203

RE: 01-11330-CC Sherry Thurmond v. City of Huntsville  
DC DKT NO.: 96-02342 CV-PWG-NE

The enclosed certified copy of the Rule 36-1 decision and judgment are hereby issued as the mandate of this court.

Also enclosed are the following:

Original record on appeal or review, consisting of: ten volumes

Please acknowledge receipt on the enclosed copy of this letter.

A copy of this letter and the judgment form, but not a copy of the court's opinion or Rule 36-1 decision, is also being mailed to counsel and pro se parties. A copy of the court's opinion or Rule 36-1 decision was previously mailed to counsel and pro se parties on the date it was issued.

Sincerely,

THOMAS K. KAHN, Clerk

Reply To: James Delaney (404) 335-6113

Encl.

Perry D. Mathis  
Clerk, U.S. District Court  
1729 Fifth Avenue North, #140  
Birmingham AL 35203

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January 16, 2002

RE: 01-11330-CC Sherry Thurmond v. City of Huntsville  
DC DKT NO.: 96-02342 CV-PWG-NE

TO: Perry D. Mathis  
CC: Henry F. Sherrod, III  
CC: George W. Royer, Jr.  
CC: Jeffrey T. Kelly  
CC: Samuel H. Givhan  
CC: Hon. Paul W. Greene  
CC: Administrative File